CLASSIFICATION OFFICE DECISION

Title of publication:	Kml010.jpg
Other known title(s):	Not stated
OFLC ref:	1601048.004
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	23 March 2017
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	23 March 2017

Summary of reasons for decision:

The computer image file consists of 16 thumbnails taken from a video recording. The images explicitly depict sexual activity between a man and female. Her age is difficult to determine with certainty; in some images she appears younger than in others. While she may be young, she could equally be an older teenager or a petite woman, and there is not enough evidence for it to be fair to say that the image file promotes and supports, or tends to promote or support, the exploitation of young persons for sexual purposes. The file does need to be restricted to adult audiences, however, as premature exposure to adult sexual material is likely to have a negative effect on the development of healthy sexual attitudes and behaviours of children and teenagers. This restriction interferes with the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990. However, given the explicit sexual content of the publication, the restriction is reasonable and demonstrably justifiable in the interest of preventing injury to the public good.